

1 KAREN P. HEWITT
United States Attorney
2 MEGAN CALLAN
Assistant U.S. Attorney
3 California Bar No. 230329
United States Attorney's Office
4 880 Front Street, Room 6293
San Diego, California 92101-8893
5 Telephone: (619) 557-7120
Facsimile: (619) 557-5004
6 E-mail: Megan.Callan@usdoj.gov

7 Attorneys for Defendants

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10

11 MARIANA GREEN,

12 Plaintiff,

13 v.

14 MICHAEL B. MUKASEY, U.S. Attorney
15 General; et al.,

16 Defendants.
17

Case No. 08cv0130-JM (LSP)

DECLARATION OF MEGAN CALLAN

18 I, Megan Callan, declare as follows:

19 1. I am the Assistant U.S. Attorney assigned primary responsibility for the above captioned case
20 pending before this Court. I make this declaration based upon personal knowledge, and if called to testify
21 about the fact included herein, I could and would do so competently.

22 2. On June 11, 2008, I was informed by U.S. Citizenship & Immigration Services ("USCIS") that
23 USCIS denied Mr. Green's Petition for Alien Relative (Form I-130), filed on Plaintiff's behalf. A true
24 and correct copy of that notice of decision is attached hereto.

25 3. On June 11, 2008, I was informed by USCIS that USCIS mailed the notice of decision to the
26 applicant.

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28 //

Department of Homeland Security
Front Street, Room 1234
San Diego, CA 92101



U.S. Citizenship
and Immigration
Services

Date: June 4, 2008

JUN 11 2008

Mr. Keith Allen Green
[REDACTED]
[REDACTED]

NOTICE OF DECISION

COPY

Refer to file no.: [REDACTED]

Dear Mr. Green:

This notice is in reference to Form I-130, Petition for Alien Relative, which you filed on behalf of Marina Pereira Green, under section 201(b) of the Immigration and Nationality Act, as amended, as the spouse of a United States citizen. The petition was filed on July 25, 2005.

On April 15, 2008, Citizenship and Immigration Services, mailed you a Notice of Intent to Deny your I-130, Petition for Alien Relative spouse Marina Pereira Green. The reasons for the Intent to Deny were stated in that letter and you were accorded thirty (30) days in which to offer evidence in support of the petition and in opposition to the proposed denial. On May 19, 2008, your attorney mailed a response to the Intent to Deny and argued that although there are minor contradictions in the testimony given separately during your interview, conducted at the Chula Vista Customer Service Center on, April 20, 2006, he believes you and your husband are in a bona fide marital relationship. The contradictions in testimony given by the petitioner and beneficiary while they were interviewed separately on April 20, 2006, do not constitute the sole reason for determining that their marriage was not in fact a bona fide marriage, but those contradictions when considered along with testimony given by the petitioner during an NCIS interview, contribute to the conclusion that the marriage is indeed not a bona fide marriage. Your attorney alleges with no corroborating proof that, in reference to a sworn statement signed by the petitioner during an NCIS interview conducted on October 12 2006, that; "There is no doubt in my mind that the NCIS coerced Mr. Green into signing a statement that he did not write, at a time when he was still suffering from the effects of a serious brain injury, and that the Navy investigators held Mr. Green captive for seven hours, during which time they refused to allow him to eat or take prescription medication and painkiller for his delicate mental condition." Because of the attorney's unproven allegations the attorney goes on to claim that, "As such, the NCIS "product" is tainted and should not be relied up to any -ANY- extent whatsoever". The Service has no reason to disbelieve the information contained in the NCIS investigation, and no reason to believe that there is any truth to the egregious allegations claimed against NCIS investigators by the attorney in his statements. NCIS officers routinely require the individual who is about to be interviewed to sign a sworn statement to the effect that the individual was not in any way coerced and that the individual is making all statements freely and voluntarily. The petitioner signed such a statement. Statements

Ex A

www.uscis.gov

JUN 11 2008

made by the petitioner during the NCIS interview reflect doubt on the bona fides of this marriage. Additional documentation was submitted in an effort to provide proof of the bona fides of this marriage. The information provided in the response to the Intent does not overcome the reasons for denial.

Accordingly, the visa petition is denied.

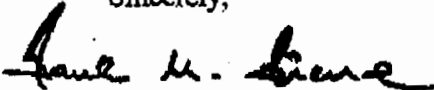
You may, if you wish, appeal this decision to the Board of Immigration Appeals by completing the enclosed Notice of Appeal (Form EOIR-29), along with the appropriate fees. Current filing fees may be found at www.uscis.gov.

RE: [REDACTED]
Keith Allen Green

You must submit such appeal to **THIS OFFICE**, at the address shown above, within 30 calendar days, from the date of this notice, (33 days if this notice was received by mail).

If no appeal is filed within the time allowed, this decision is final.

Sincerely,


Paul M. Pierre
District Director

cc: Alan M. Anzarouth
3111 Camino del Rio North, Suite 400
San Diego, CA. 92108

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